

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DAVID L.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00070

MARTIN J. O'MALLEY,

Commissioner for the Social Security Administration,

Defendant.

ORDER

Pending before the Court is Plaintiff's complaint, which seeks review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits. (ECF No. 1.) By Standing Order entered in this case on January 31, 2023, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on February 1, 2024, recommending that this Court deny Plaintiff's request to reverse the Commissioner's final decision, grant Defendant's request to affirm the Commissioner's final decision, affirm that decision, and dismiss this action from the Court's docket. (ECF No. 8 at 1–2.)

This Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

timely objections constitutes a waiver of de novo review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objection to the PF&R were due on February 15, 2024. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8), **DENIES** Plaintiff’s request to remand, (ECF No. 5), **AFFIRMS** the Commissioner’s final decision, **DISMISSES** this case, and **DIRECTS** the Clerk to remove this case from the Court’s active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 23, 2024



THOMAS E. JOHNSTON, CHIEF JUDGE